IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2569 of 2007.

Umesh Balu Sabale ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Smt Revati Mohite Dere, Advocate for the applicant.

Mr Rajesh More, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 7.9.2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant is seeking bail in C.R. No.257/06 registered with Chakan Police Station, Pune for the offence punishable under Sections 302, 452, 143, 147, 323, 504, 506 of the I.P.C.

4. The role of the present applicant as per the contents of the F.I.R. is that he set on fire the deceased by using match-stick. Whereas, in the dying declaration of the deceased, he has stated that co-accused Balu

had set him on fire by using match-stick. Prima facie, there appears variance between two statements. Be that as it may, the co-accused Balu Shankar Sable has already been released on bail. Considering the role played by the applicant, I find it difficult to accept the prayer for bail on merits. However, on parity the applicant would be entitled for bail; especially, when Balu has already been released on bail by the Court of Sessions and the said order has not been challenged by the State.

5. In the above view of the matter, I am inclined to grant bail to the applicant on following terms and conditions.

a] The applicant Umesh Balu Sable arrested in connection with C.R.No.257/2006 registered with Chakan Police Station, District Pune shall be enlarged on bail subject to furnishing a bail in the sum of Rs. 25,000/-with one or two sureties in the like amount.

b] The order of bail will be given effect only after the applicant furnish to the Investigating Officer the details about his place of residence and address

where he propose to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

c] He shall report to Chakan Police Station once in a week i.e. Saturday in between 3.00 to 5.00 p.m. till conclusion of the trial.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

e] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

6. Application is disposed of in above terms.

(V.C. DAGA,J.)